UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/317,381	05/24/1999	HAMESH CHAWLA	CIS99-1267	9031

7590	12/01/2003

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EXAMINER
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ART UNIT	PAPER NUMBER
2665	

DATE MAILED: 12/01/2003

/3

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	**Application No.**		**Applicant(s)**	
	09/317,381		CHAWLA ET AL.	
	Examiner		**Art Unit**	
	Thien D Tran		2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _11 August 2003_.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-8 and 34-55_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-4,34,40-43,48,54 and 55_ is/are rejected.

7)☒ Claim(s) _5-8, 35-39, 44-47, 49-53_ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
   application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application)
   since a specific reference was included in the first sentence of the specification or in an Application Data Sheet.
   37 CFR 1.78.

    a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific
   reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)		4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .	
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)		5) ☐ Notice of Informal Patent Application (PTO-152)	
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .		6) ☐ Other: .	

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent
by another filed in the United States before the invention thereof by the applicant
for patent, or on an international application by another who has fulfilled the
requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before
the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act

of 1999 (AIPA) do not apply to the examination of this application as the application

being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily

published under 35 U.S.C. 122(b). Therefore, this application is examined under 35

U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2.   Claims 1-4, 34, 40-43, 48, 54, 55, are rejected under 35 U.S.C. 102(e) as being

anticipated by Elwalid et al (U.S Patent No 6,353,616 B1).

Regarding claims 1, 54 Elwalid discloses a method for dynamically adjusting

reserved bandwidth in a data communications device while transporting a session of

data communication within the device, the method comprising the steps of:

establishing a first bandwidth reservation associated with a session of data a

communication in the data communications device (col.7 lines 55-65);

transporting, through the data communication device, data (application data) associated with the session of data communication utilizing data storage locations associated with the first bandwidth reservation (col.7 lines 9-25);

receiving bandwidth allocation updated messages such as PATH message or RSVP requested message (adjustment information) during the session of data communication, within the bandwidth reservation request (figure 4, col.1 lines 35-60, col.10 lines 60-65); and

dynamically adjusting the first bandwidth reservation to produce a second bandwidth reservation for the session of application data communication in accordance with the bandwidth allocation adjustment information within the bandwidth reservation request while continually maintaining the session of data communication (figure 5, col.11 lines 15-30).

Regarding claims 40, 55 Elwalid discloses a method of data communications device capable of dynamically adjusting reserved bandwidth while maintaining a session of data communication, the device comprising:

an input for receiving application data including bandwidth reservation requests;

a data storage mechanism including data storage locations; a bandwidth reservation processor coupled to the input port and accepting a first bandwidth reservation request indicating a first amount of bandwidth to reserve for the session of data communication in the data communications device, the bandwidth reservation processor establishing a first bandwidth reservation associated with a session of data communication in the data storage locations (col.11 lines 10-20); and

a data scheduler coupled to the input port and coupled to the data: storage

mechanism, the data scheduler receiving application data associated with the session

of data communication and depositing the application data associated with the session

of data communication into the data storage locations associated with the first

bandwidth reservation. See figure 2, col.4 line 45 to col.5 lines 45.

Regarding claims 2, 34, 41, 48, Elwalid discloses a step of establishing a-first

bandwidth reservation includes the steps of

accepting a first bandwidth reservation request indicating a first amount of

bandwidth to reserve for the session of data communication in the data communication

device;

labeling, with an identity of the session of data communication, a first percentage

of available data storage locations used to store application data transported through

the data communications device thus establishing the first bandwidth reservation,

wherein the first percentage of storage locations labeled is based upon the first amount

of bandwidth requested as indicated in the first bandwidth reservation request. See

col.6 lines 20-25.

Regarding claims 3, 42, Elwalid discloses step of accepting a first bandwidth

reservation request, the step of establishing a first bandwidth reservation further

includes the step of calculating and storing a first percentage of total device bandwidth

to allocate to the session of data communication based upon the first bandwidth

reservation request; and

wherein the first percentage of data storage locations labeled in the step of labeling is based upon the calculated first percentage of total device bandwidth to allocate to the session of data communication. See col.10 lines 30-40.

Regarding claims 4, 43, Elwalid discloses the step of calculating and storing, stores the calculated first percentage in a resource allocation table which is independently accessible by the step of labeling and the step of dynamically adjusting, so as to allow the step of dynamically adjusting to alter the calculated percentage in the resource allocation table without disrupting the step of labeling, thus allowing the bandwidth reservation in the device to be adjusted without effecting operation of the step of transporting. See col.9 lines 5-20.

Allowable Subject Matter

3.   Claims 5-8, 35-39, 44-47, 49-53 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

4.   Any inquiry concerning this communication or earlier communication from the examiner should be directed to Thien Tran whose telephone number is (703) 308-4388. The examiner can normally be reached on Monday-Friday from 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (703) 308-6602. Any inquiry of a general nature
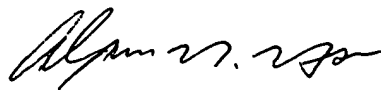
of relating to the status of this application or proceeding should be directed to the Group

receptionist whose telephone number is (703) 305-3900.

Thien Tran

ALPUS H. HSU
PRIMARY EXAMINER